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7 Attorney for Defendant -BENIYIHIA HEBBAR

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,) 2:16-CR-00328-JCM-GWF
12)
13 Plaintiff,)
14)
15 v.)
16 BENIYIHIA HEBBAR,)
17)
18 Defendant)
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28)

29 **STIPULATION AND ORDER TO CONTINUE SENTENCING HEARING**

30 IT IS HEREBY STIPULATED AND AGREED by and between DUSTIN R
31 MARCELLO, ESQ. Counsel for Defendant BENIYIHIA HEBBAR and CRISTINA SILVA,
32 Assistant United States Attorney, that the Sentencing Hearing currently scheduled for December
33 28, 2017, at 9:00 a.m., be vacated and reset on a date and time convenient to the court, but no
34 earlier than 60 days.

35 This Stipulation is entered into for the following reasons:

- 36 1. Counsel for defendant has spoken to defendant and he has no objection to the request
37 of continuance.
38 2. Defendant is in custody in Pahrump.

- 1 3. Counsel has spoken to AUSA Cristina Silva and she does not oppose to the
2 continuation.
3
4 4. Counsel was just appointed on this case on Friday, December 22, 2017 and needs
5 additional time to prepare for sentencing.
6
7 5. Denial of this request for continuance could result in a miscarriage justice.
8
9 6. For all the above-stated reasons, the ends of justice would best be served by a
10 continuance of the Sentencing Hearing until a date and time convenient to the court.

11 This is the first request for continuance filed herein.

12 DATED: December 26, 2017

13
14 /S/
15 _____
16 DUSTIN R. MARCELLO, ESQ.
17 601 LAS VEGAS BOULEVARD, S
18 LAS VEGAS, NEVADA 89101
19 ATTORNEY FOR THE DEFENDANT
20 BENIYIHIA HEBBAR

 /S/

CRISTINA SILVA
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ATTORNEY FOR UNITED STATES OF
AMERICA

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8 UNITED STATES DISTRICT COURT
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11 UNITED STATES OF AMERICA,) 2:16-CR-00328-JCM-GWF
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18 BENIYIHIA HEBBAR,)
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29 **FINDINGS OF FACT**

30 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
31 Court finds:

32 This Stipulation is entered into for the following reasons:

- 33 1. Counsel for defendant has spoken to defendant and he has no objection to the request
34 of continuance.
- 35 2. Defendant is in custody in Pahrump.
- 36 3. Counsel has spoken to AUSA Cristina Silva and she does not oppose to the
37 continuance.
- 38 4. Counsel was just appointed on this case on Friday, December 22, 2017 and needs
39 additional time to prepare for sentencing.

5. Denial of this request for continuance could result in a miscarriage justice.

6. For all the above-stated reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing until a date and time convenient to the court.

This is the first request for continuance filed herein.

CONCLUSIONS OF LAW

Denial of this request for continuance would deny the parties herein the opportunity to effectively and thoroughly prepare for Sentencing Hearing.

Additionally, denial of this request for continuance could result in a miscarriage of justice.

ORDER

IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for December 28, 2017, at 9:00 a.m., be continued to the **28th day of February, 2018** at 10:30 a.m., in courtroom **6A**.

DATED December 27, 2017.

James C. Mahan
U.S. DISTRICT JUDGE